



10/26/2010

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

THE OTTER PROJECT and
ENVIRONMENTAL DEFENSE CENTER,)
Plaintiffs,)
v.)
KEN SALAZAR, ROWAN GOULD,)
UNITED STATES DEPARTMENT OF)
THE INTERIOR, UNITED STATES FISH)
& WILDLIFE SERVICE,)
Defendants,)
CALIFORNIA SEA URCHIN)
COMMISSION, PETER HALMAY,)
HARRY LIQUORNIK, CALIFORNIA)
ABALONE ASSOCIATION, SONOMA)
COUNTY ABALONE NETWORK,)
Intervenor-Defendants.)

No. C 09-4610 JW

**STIPULATION AND [PROPOSED]
ORDER STAYING PROCEEDINGS**

Pursuant to Civil L.R. 7-12 this Stipulation is entered into by and between Plaintiffs, The Otter Project and Environmental Defense Center, Federal Defendants, Ken Salazar, Secretary of

1 the United States Department of the Interior, Rowan Gould, Acting Director of the U.S. Fish &
2 Wildlife Service, the United States Department of the Interior, and the United States Fish &
3 Wildlife Service, and Intervenor-Defendants, California Sea Urchin Commission, Peter Halmay,
4 Harry Liquornik, California Abalone Association, and Sonoma County Abalone Network.

5 WHEREAS, on August 17, 2010, the Court approved the parties' stipulation (Doc. No.
6 49), setting the parties' cross-motions for summary judgment for hearing on January 24, 2011,
7 establishing December 20, 2010, as the date for completion of summary judgment briefing, and
8 establishing October 18, 2010 as the date for production of the Administrative Record;

9 WHEREAS, on October 20, 2010, the Court approved the parties stipulation (Doc. No.
10 63), staying the matter for ten days, up to and including October 25, 2010;

11 WHEREAS, the parties have engaged in settlement discussions that have proven
12 productive, and have reached tentative agreement at the staff level to settle all claims in this
13 litigation, including attorneys' fees;

14 WHEREAS, the parties need additional time to finalize the terms of a written settlement
15 agreement, and Federal Defendants need additional time to gain approval from supervisory
16 officials at the Departments of Justice and the Interior;

17 WHEREAS, the parties wish to continue the settlement discussions and to concentrate
18 their resources on settling, rather than litigating, this matter;

19 WHEREAS, the parties believe that the briefing and hearing schedule should be extended
20 so as not needlessly to divert all parties' resources into litigation rather than settlement activities;

21 WHEREAS, the parties agree that a 30-day stay of this case is appropriate;

22 NOW, THEREFORE, the parties stipulate as follows:

23 1. All proceedings in this case are stayed for 30 days.
24 2. The parties shall file a proposal for further proceedings, if any, on or before November
25 **22, 2010.**

26 October 22, 2010

27 Respectfully Submitted,

1 /s/ Brian Segee (by LEF, as authorized 10/22/10)

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3 Brian Segee (Cal. Bar No. 200795)

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17 /s/ Lawson E. Fite

18 LAWSON E. FITE, Trial Attorney

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20 U.S. Department of Justice

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33 /s/ George J. Mannina, Jr. (by LEF, as
34 authorized 10/22/10)

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2 Attorneys for Intervenor-Defendants
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4 PURSUANT TO STIPULATION, IT IS SO ORDERED.
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6 Dated: October 26, 2010
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8 UNITED STATES DISTRICT JUDGE
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